

**EIGHTIETH DAY - MAY 15, 2003****LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE  
FIRST SESSION****EIGHTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 15, 2003

**PRAYER**

The prayer was offered by Senator Kruse.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Redfield and Schimek who were excused; and Senators Brashear, Engel, Landis, and Quandahl who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-ninth day was approved.

**UNANIMOUS CONSENT - Member Excused**

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 141.** Introduced by Wehrbein, 2.

**PURPOSE:**

The Nebraska Forest Service provides education and services to Nebraskans covering all aspects of planting, protection, care, and utilization of our forest and tree resources. Through its work with volunteer fire departments, the Nebraska Forest Service also provides fire protection to all rural land, including rangeland and cropland.

The mission of the Nebraska Forest Service is to provide technical assistance and support for rural fire control, rural forestry assistance, community forestry, and forest pest management programs, and the service is part of the University of Nebraska-Lincoln's public service activities.

State law provides, and the policy of the Board of Regents of the

University of Nebraska states, that the university's first priority is undergraduate instruction, the university's second priority is graduate and professional instruction and research, and the university's third priority is public service, but during state budget reductions and reallocations, funding for the Nebraska Forest Service may be in jeopardy due to its priority status within the University. The elimination of the Nebraska Forest Service would have a profound impact on Nebraska citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The study shall include, but need not be limited to, an analysis of the following:

(1) Funding requirements necessary to preserve, at a minimum, the Nebraska Forest Service core programs of rural fire control, rural forestry assistance, community forestry, and forest pest management;

(2) Funding requirements necessary to ensure compliance with federal law and federal rules and regulations;

(3) Funding necessary for federal matching requirements;

(4) How Nebraska Forest Service programs should be coordinated among federal, state, and local agencies; and

(5) Alternatives for the administration and management of the Nebraska Forest Service, including, but not limited to: Changing it to a free-standing state agency, making it a part of an existing state agency, aligning it with the natural resources districts, or modifying the existing arrangement with the University of Nebraska-Lincoln.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### SELECT FILE

**LEGISLATIVE BILL 410.** Senator Wehrbein renewed his pending amendment, AM1711, found on page 1753.

The Wehrbein amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 415.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 424.** E & R amendment, AM7122, found on page 1603, was adopted.

Senator Beutler offered the following amendment:  
AM1656

(Amendments to Standing Committee amendments, AM1389)

- 1 1. On page 6, line 16, after "Fund" insert "and one
- 2 hundred thousand dollars from the separate trust fund to the
- 3 Treasury Management Cash Fund".

The Beutler amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Senator Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 798.** E & R amendment, AM7128, found on page 1603, was adopted.

Senator Beutler withdrew his pending amendment, AM1701, found on page 1593.

Senator Wehrbein renewed his pending amendment, AM1835, found on page 1754.

The Wehrbein amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Raikes renewed his pending amendment, AM1674, found on page 1765.

Senator Raikes withdrew his amendment.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 799.** E & R amendment, AM7121, found on page 1604, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 804.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 796.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 411.** E & R amendment, AM7129, found on page 1604, was adopted.

Senator Jensen offered the following amendment:  
AM1888

(Amendments to E & R amendments, AM7129)

- 1 1. On page 2, line 7, strike "cleft lip and palate" and
- 2 insert "craniofacial birth defects affecting the occlusion".

The Jensen amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 412.** Senators Jensen and Byars offered the following amendment:

AM1890

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 71-1628.07, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 71-1628.07. (1) The Department of Health and Human
- 6 Services shall establish a satellite office of minority health in
- 7 each congressional district to coordinate and administer state
- 8 policy relating to minority health. Each office shall implement a
- 9 minority health initiative in counties with a minority population
- 10 of at least five percent of the total population of the county as
- 11 determined by the most recent federal decennial census which shall
- 12 target, but not be limited to, infant mortality, cardiovascular
- 13 disease, obesity, diabetes, and asthma.
- 14 (2) ~~In any congressional district which has a minority~~
- 15 ~~population over seventy-five thousand inhabitants, any funds~~
- 16 ~~appropriated under subdivision (2)(a) of section 71-7611.03 shall~~
- 17 ~~be distributed as follows: Seventy percent to federally qualified~~
- 18 ~~health centers which serve primarily African Americans and thirty~~
- 19 ~~percent to federally qualified health centers which serve primarily~~
- 20 ~~Spanish-speaking persons and Native Americans.~~
- 21 (3) ~~Each office shall prepare an annual report regarding~~
- 22 ~~the implementation of the minority health initiative in the prior~~
- 23 ~~minority health initiatives implemented in the immediately~~
- 24 ~~preceding fiscal year. The report shall be submitted to the~~
- 1 department by October 1. The department shall submit ~~the report~~
- 2 such reports to the Health and Human Services Committee of the
- 3 Legislature by December 1.
- 4 Sec. 2. Section 71-1628.08, Revised Statutes Supplement,
- 5 2002, is amended to read:
- 6 71-1628.08. (1) The County Public Health Aid Program is
- 7 created. Aid as appropriated by the Legislature ~~from the Nebraska~~
- 8 ~~Health Care Cash Fund~~ shall be distributed in each fiscal year as
- 9 provided in ~~subsections (2) through (4) of this section.~~
- 10 (2) ~~The department shall reserve two million dollars in~~
- 11 ~~each fiscal year for purposes of this subsection. Of funds~~
- 12 ~~appropriated by the Legislature under subsection (1) of this~~
- 13 ~~section, the following amounts shall be distributed to local public~~
- 14 ~~health departments established under sections 71-1626 to 71-1636:~~
- 15 (a) One hundred thousand dollars shall be distributed
- 16 each fiscal year to each local public health department established

17 ~~under sections 71-1626 to 71-1636 which is composed of by at least~~  
18 ~~three contiguous counties and has with a total population of at~~  
19 ~~least thirty thousand and not more than fifty thousand persons;~~

20 ~~(b) residents within its geographically defined~~  
21 ~~community. One hundred twenty-five thousand dollars shall be~~  
22 ~~distributed each fiscal year to each local public health department~~  
23 ~~established under sections 71-1626 to 71-1636 which has by one or~~  
24 ~~more counties with a total population of more than fifty thousand~~  
25 ~~and not more than one hundred thousand persons; and~~

26 ~~(c) residents within its geographically defined~~  
27 ~~community. One hundred fifty thousand dollars shall be distributed~~  
1 ~~each fiscal year to each local public health department established~~  
2 ~~under sections 71-1626 to 71-1636 which has by one or more counties~~  
3 ~~with a total population of more than one hundred thousand persons.~~  
4 ~~residents within its geographically defined community. Each local~~  
5 ~~public health department shall use such funds for establishment,~~  
6 ~~management, and operation of such department and its core public~~  
7 ~~health functions. The Health and Human Services Committee of the~~  
8 ~~Legislature shall annually review the number of local public health~~  
9 ~~departments accessing funds pursuant to this subsection.~~

10 (3) ~~The department shall allocate a percentage of the~~  
11 ~~remainder of funds appropriated under the County Public Health Aid~~  
12 ~~Program to each county. Any appropriated funds not distributed under~~  
13 ~~subsection (2) of this section shall be allocated among all~~  
14 ~~counties on a per capita basis as determined by the most recent~~  
15 ~~federal decennial census. The funds allocated for each county~~  
16 ~~shall be distributed to the local public health department which is~~  
17 ~~established by the county and receiving funding under subsection~~  
18 ~~(2) of this section. Any appropriated funds that are not~~  
19 ~~distributed under this subsection in any fiscal year shall not be~~  
20 ~~reappropriated under this section. of the county if the county has~~  
21 ~~more than fifty thousand residents or the local public health~~  
22 ~~department of which the county is a part if the department is~~  
23 ~~composed of at least three counties and has at least thirty~~  
24 ~~thousand residents within its geographically defined community. If~~  
25 ~~a county does not have or is not a part of such a local public~~  
26 ~~health department, the county's share of funds under this~~  
27 ~~subsection shall be held for the remainder of the fiscal year and~~  
1 ~~may be distributed to the county at any time during such year if~~  
2 ~~the county establishes a local public health department pursuant to~~  
3 ~~section 71-1628.02 or enters an interlocal agreement to establish~~  
4 ~~or become a part of a local public health department pursuant to~~  
5 ~~section 71-1628.02 or 71-1628.03.~~

6 (4) ~~Funds received by a local public health department~~  
7 ~~appropriated under this section shall not be used to replace or~~  
8 ~~reduce any existing county funding to such any local public health~~  
9 ~~department. Funds distributed Funding for any local public health~~  
10 ~~department under this section shall be reduced to offset any such~~  
11 ~~replacement or reduction.~~

12 Sec. 3. Section 71-5714, Revised Statutes Supplement,  
13 2002, is amended to read:

14 71-5714. The Tobacco Prevention and Control Cash Fund is  
15 created. ~~Except as otherwise provided in this section, the~~ The  
16 fund shall be ~~appropriated by the Legislature~~ used for a  
17 comprehensive statewide tobacco-related public health program;  
18 ~~including, but administered by the Department of Health and Human~~  
19 ~~Services which includes, but is not limited to:~~ (1) Community  
20 community programs to reduce tobacco use, (2) chronic disease  
21 programs, (3) school programs, (4) statewide programs, (5)  
22 enforcement, (6) counter marketing, (7) cessation programs, (8)  
23 surveillance and evaluation, and (9) administration; ~~and~~ (10)  
24 ~~the Teen Tobacco Education and Prevention Project. The Legislature~~  
25 ~~is not required to appropriate all available revenue from the~~  
26 ~~Tobacco Prevention and Control Cash Fund for such purpose in any~~  
27 ~~given year. The Health and Human Services Committee of the~~  
1 ~~Legislature shall make annual recommendations for appropriations~~  
2 ~~from the fund. The State Treasurer shall transfer five million~~  
3 ~~dollars from the Tobacco Prevention and Control Cash Fund to the~~  
4 ~~Department of Health and Human Services Finance and Support Cash~~  
5 ~~Fund within five days after April 9, 2002. Any money in the~~  
6 Tobacco Prevention and Control Cash Fund available for investment  
7 shall be invested by the state investment officer pursuant to the  
8 Nebraska Capital Expansion Act and the Nebraska State Funds  
9 Investment Act.

10 Sec. 4. Section 71-7606, Revised Statutes Supplement,  
11 2002, is amended to read:

12 71-7606. (1) The purpose of the Nebraska Health Care  
13 Funding Act is to provide for the use of dedicated revenue ~~from~~  
14 ~~specifically named funding sources~~ for health-care-related  
15 expenditures.

16 (2) ~~Except as otherwise provided, any~~ Any funds  
17 appropriated or distributed under the act shall not be considered  
18 ongoing entitlements or obligations on the part of the State of  
19 Nebraska and shall not be used to replace existing funding for  
20 existing programs.

21 (3) No funds appropriated or distributed under the act  
22 shall be used for abortion, abortion counseling, referral for  
23 abortion, school-based health clinics, or research or activity of  
24 any kind involving the use of human fetal tissue obtained in  
25 connection with the performance of an induced abortion or involving  
26 the use of human embryonic stem cells or for the purpose of  
27 obtaining other funding for such use.

1 (4) The Department of Health and Human Services and the  
2 Department of Health and Human Services Finance and Support shall  
3 report annually to the Legislature and the Governor regarding the  
4 use of funds appropriated under the act and the outcomes achieved  
5 from such use.

6 Sec. 5. Section 71-7607, Revised Statutes Supplement,

7 2002, is amended to read:

8 71-7607. (1) The Nebraska Medicaid Intergovernmental  
9 Trust Fund is created. The fund shall include revenue received  
10 from governmental nursing facilities receiving payments for nursing  
11 facility services under the medical assistance program established  
12 pursuant to section 68-1018. The Department of Health and Human  
13 Services Finance and Support shall remit such revenue to the State  
14 Treasurer for credit to the fund, ~~except that (a) of such~~  
15 ~~revenue received on or after July 1, 2001, nine million two hundred~~  
16 ~~thousand dollars shall be remitted to the State Treasurer for~~  
17 ~~credit to the Department of Health and Human Services Cash Fund and~~  
18 ~~(b) of such revenue credited to the Nebraska Medicaid~~  
19 ~~Intergovernmental Trust Fund in October 2001, the State Treasurer~~  
20 ~~shall transfer five million eight hundred forty six thousand five~~  
21 ~~hundred ninety three dollars to the Department of Health and Human~~  
22 ~~Services Finance and Support Cash Fund within five days after~~  
23 ~~November 9, 2001.~~ The department shall adopt and promulgate rules  
24 and regulations to establish procedures for participation by  
25 governmental nursing facilities and for the receipt of such revenue  
26 under this section. Money from the Nebraska Medicaid  
27 Intergovernmental Trust Fund shall be transferred to the Nebraska  
1 Health Care Cash Fund as provided in section 71-7611.

2 (2) ~~If there is an unanticipated reduction in federal~~  
3 ~~medicaid funds derived pursuant to this section, the~~ The department  
4 may use revenue in the Nebraska Medicaid Intergovernmental Trust  
5 Fund to offset ~~the amount of such reduction any unanticipated~~  
6 ~~reductions in medicaid funds received under this section.~~

7 (3) Any money in the fund available for investment shall  
8 be invested by the state investment officer pursuant to the  
9 Nebraska Capital Expansion Act and the Nebraska State Funds  
10 Investment Act.

11 Sec. 6. Section 71-7608, Revised Statutes Supplement,  
12 2002, is amended to read:

13 71-7608. The Nebraska Tobacco Settlement Trust Fund is  
14 created. The fund shall include any settlement payments or other  
15 revenue received by the State of Nebraska in connection with any  
16 tobacco-related litigation to which the State of Nebraska is a  
17 party. The Department of Health and Human Services Finance and  
18 Support shall remit such revenue to the State Treasurer for credit  
19 to the fund, ~~except that, of such revenue received on or after~~  
20 ~~April 1, 2000, twenty one million dollars shall be credited to the~~  
21 ~~Tobacco Prevention and Control Cash Fund as follows: (1) Seven~~  
22 ~~million dollars in FY1999-00; (2) seven million dollars in~~  
23 ~~FY2000-01, and (3) seven million dollars in FY2001-02.~~ Subject to  
24 the terms and conditions of such litigation, money from the  
25 Nebraska Tobacco Settlement Trust Fund shall be transferred to the  
26 Nebraska Health Care Cash Fund as provided in section 71-7611. Any  
27 money in the Nebraska Tobacco Settlement Trust Fund available for  
1 investment shall be invested by the state investment officer

2 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
3 State Funds Investment Act.

4 Sec. 7. Section 71-7609, Revised Statutes Supplement,  
5 2002, is amended to read:

6 71-7609. The Nursing Facility Conversion Cash Fund is  
7 created. The fund shall be used for grants or loan guarantees made  
8 by the Department of Health and Human Services Finance and Support  
9 prior to January 1, 2002, to nursing facilities for capital or  
10 one-time expenditures to convert all or a portion of such  
11 facilities to licensed assisted-living facilities or other  
12 alternatives to nursing facility care after deducting expenses  
13 incurred in the administration of such grants or loan guarantees.  
14 ~~Grants or loan guarantees awarded from the fund prior to January 1,~~  
15 ~~2002, may be paid to eligible recipients. This section terminates~~  
16 ~~on January 1, 2003. The~~ On or before July 15, 2003, the State  
17 Treasurer shall transfer any unobligated balance in the fund ~~upon~~  
18 ~~termination of this section to the Department of Health and Human~~  
19 ~~Services Finance and Support to the Nebraska Health Care Cash Fund.~~  
20 Any money in the Nursing Facility Conversion Cash Fund available  
21 for investment shall be invested by the state investment officer  
22 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
23 State Funds Investment Act. This section is revived to extend the  
24 existence of the fund for the payment of grants or loan guarantees  
25 made by the department prior to January 1, 2002, and to direct the  
26 transfer of the unobligated balance in such fund.

27 Sec. 8. Section 71-7611, Revised Statutes Supplement,  
1 2002, is amended to read:

2 71-7611. (1) The Nebraska Health Care Cash Fund is  
3 created. ~~The fund shall include revenue transferred from the~~  
4 ~~Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska~~  
5 ~~Tobacco Settlement Trust Fund.~~ The State Treasurer shall transfer  
6 fifty million dollars annually no later than July 15 from the  
7 Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska  
8 Tobacco Settlement Trust Fund to the Nebraska Health Care Cash  
9 Fund. The state investment officer upon consultation with the  
10 Nebraska Investment Council shall advise the State Treasurer on the  
11 amounts to be transferred from the Nebraska Medicaid  
12 Intergovernmental Trust Fund and from the Nebraska Tobacco  
13 Settlement Trust Fund under this section in order to sustain such  
14 transfers in perpetuity. The state investment officer shall report  
15 to the Legislature on or before October 1 of every even-numbered  
16 year on the sustainability of such transfers.

17 (2) Any money in the Nebraska Health Care Cash Fund  
18 available for investment shall be invested by the state investment  
19 officer pursuant to the Nebraska Capital Expansion Act and the  
20 Nebraska State Funds Investment Act.

21 Sec. 9. Section 71-7614, Revised Statutes Supplement,  
22 2002, is amended to read:

23 71-7614. (1) The Nebraska Health Care Council is



24 created. The council shall consist of a chairperson and eight  
25 additional members appointed by the Governor with the approval of a  
26 majority of the Legislature. The members shall be appointed for  
27 staggered three-year terms. The council shall include at least one  
1 consumer, one health care provider, and one member of a racial or  
2 ethnic minority. The Director of Finance and Support or his or her  
3 designee shall be a nonvoting, ex officio member of the council.  
4 Any vacancy shall be filled in the same manner as the original  
5 appointment for the unexpired term. Members of the council shall  
6 be reimbursed for their actual and necessary expenses as provided  
7 in sections 81-1174 to 81-1177. The Department of Health and Human  
8 Services Finance and Support shall provide staff support for the  
9 council. The Department of Health and Human Services and the  
10 Department of Health and Human Services Regulation and Licensure  
11 shall also assist the Department of Health and Human Services  
12 Finance and Support and the council as may be necessary.

13 (2) ~~Five million dollars of Funds as appropriated by the~~  
14 ~~Legislature from~~ the Nebraska Health Care Cash Fund shall be used  
15 ~~annually~~ for grants awarded by the council for public health  
16 purposes as defined by the council and adopted in rules and  
17 regulations of the Department of Health and Human Services Finance  
18 and Support. At least ~~seven hundred thousand dollars of fifteen~~  
19 ~~percent of the funds appropriated for~~ such grants shall be awarded  
20 ~~annually~~ by the council to improve racial and ethnic minority  
21 health. Grants awarded under this section shall not exceed three  
22 years in duration, except that extensions of up to one year may be  
23 granted by the council for good cause. The council shall report  
24 all such extensions to the Department of Health and Human Services  
25 Finance and Support and to the Health and Human Services Committee  
26 of the Legislature.

27 (3) The Department of Health and Human Services Finance  
1 and Support shall:

2 (a) In consultation with the council, develop criteria  
3 for the awarding of grants from the fund pursuant to this section;

4 (b) Approve or disapprove decisions by the council  
5 regarding the selection of projects to be funded and the  
6 distribution of project funding;

7 (c) In consultation with the council, establish  
8 standards, formats, procedures, and timelines for the successful  
9 implementation of approved projects;

10 (d) In consultation with the council, assist grant  
11 recipients in determining the effectiveness of the project and  
12 measure the accomplishment of the grant objectives;

13 (e) Provide annual reports to the Governor and the  
14 Legislature concerning the projects. Each report shall include a  
15 listing of priorities established by the council for grants awarded  
16 under this section, the number of applicants and approved  
17 applicants for such grants, an overview of the various funded  
18 projects, and detailed reports of the cost of such projects;

19 (f) In consultation with the council, adopt and  
20 promulgate rules and regulations establishing criteria, standards,  
21 and procedures regarding the selection and administration of funded  
22 projects; and

23 (g) Require recipients of grants under this section to  
24 provide such data relating to the funded projects as the department  
25 deems necessary.

26 Sec. 10. This act becomes operative on July 1, 2003.

27 Sec. 11. Original sections 71-1628.07, 71-1628.08,  
1 71-5714, 71-7606, 71-7607, 71-7608, 71-7609, and 71-7614, Revised  
2 Statutes Supplement, 2002, are repealed.

3 Sec. 12. The following sections are outright repealed:

4 Sections 71-1628.02, 71-1628.03, and 71-7611.01 to 71-7611.08,  
5 Revised Statutes Supplement, 2002.

6 Sec. 13. Since an emergency exists, this act takes  
7 effect when passed and approved according to law."

The Jensen-Byars amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 414.** E & R amendment, AM7127, found on page 1608, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 622.** E & R amendment, AM7126, found on page 1608, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 685.** E & R amendment, AM7133, printed separately and referred to on page 1655, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 440.** E & R amendment, AM7132, found on page 1667, was adopted.

Senator Thompson renewed her pending amendment, AM1733, found on page 1712.

The Thompson amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Wehrbein renewed his pending amendment, AM1781, found on page 1753.

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Brashear withdrew his pending amendments, AM1883 and AM1899, found on pages 1766 and 1821.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 320.** E & R amendment, AM7135, found on page 1675, was adopted.

Senator Beutler offered the following amendment:  
AM1780

(Amendments to AM1720)

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 24-703, Revised Statutes Supplement,  
4 2002, is amended to read:  
5 24-703. (1) Each original member shall contribute  
6 monthly four percent of his or her monthly compensation to the fund  
7 until the maximum benefit as limited in subsection (1) of section  
8 24-710 has been earned. It shall be the duty of the Director of  
9 Administrative Services in accordance with subsection (10) of this  
10 section to make a deduction of four percent on the monthly payroll  
11 of each original member who is a judge of the Supreme Court, a  
12 judge of the Court of Appeals, a judge of the district court, a  
13 judge of a separate juvenile court, a judge of the county court, a  
14 clerk magistrate of the county court who was an associate county  
15 judge and a member of the fund at the time of his or her  
16 appointment as a clerk magistrate, or a judge of the Nebraska  
17 Workers' Compensation Court showing the amount to be deducted and  
18 its credit to the fund. The Director of Administrative Services  
19 and the State Treasurer shall credit the four percent as shown on  
20 the payroll and the amounts received from the various counties to  
21 the fund and remit the same to the director in charge of the judges  
22 retirement system who shall keep an accurate record of the  
23 contributions of each judge.

1 (2) Each future member shall contribute monthly six  
2 percent of his or her monthly compensation to the fund until the  
3 maximum benefit as limited in subsection (2) of section 24-710 has  
4 been earned. Any time the maximum benefit is changed, a future  
5 member who has previously earned the maximum benefit as it existed  
6 prior to the change shall contribute monthly six percent of his or  
7 her monthly compensation to the fund until the maximum benefit as  
8 changed and as limited in subsection (2) of section 24-710 has been  
9 earned. It shall be the duty of the Director of Administrative  
10 Services to make a deduction of six percent on the monthly payroll  
11 of each such future member who is a judge of the Supreme Court, a

12 judge of the Court of Appeals, a judge of the district court, a  
13 judge of a separate juvenile court, a judge of the county court, a  
14 clerk magistrate of the county court who was an associate county  
15 judge and a member of the fund at the time of his or her  
16 appointment as a clerk magistrate, or a judge of the Nebraska  
17 Workers' Compensation Court showing the amount to be deducted and  
18 its credit to the fund. This shall be done each month. The  
19 Director of Administrative Services and the State Treasurer shall  
20 credit the six percent as shown on the payroll and the amounts  
21 received from the various counties to the fund and remit the same  
22 to the director in charge of the judges retirement system who shall  
23 keep an accurate record of the contributions of each judge.

24 (3) A Nebraska Retirement Fund for Judges fee of ~~one~~  
25 dollar four dollars shall be taxed as costs in each civil cause of  
26 action, criminal cause of action, traffic misdemeanor or  
27 infraction, and city or village ordinance violation filed in the  
1 district courts and the county courts. In county courts a sum  
2 shall be charged which is equal to ten percent of each fee provided  
3 by sections 33-125, 33-126.02, 33-126.03, and 33-126.06. No judges  
4 retirement fee shall be charged for filing a report pursuant to  
5 sections 33-126.02 and 33-126.06. When collected by the clerk of  
6 the district or county court, such fees shall be paid to the  
7 director in charge of the judges retirement system on forms  
8 prescribed by the board by the clerk within ten days after the  
9 close of each calendar quarter. Such director shall promptly  
10 thereafter remit the same to the State Treasurer for credit to the  
11 fund. No Nebraska Retirement Fund for Judges fee which is  
12 uncollectible for any reason shall be waived by a county judge as  
13 provided in section 29-2709.

14 (4) All expenditures from the fund shall be authorized by  
15 voucher in the manner prescribed in section 24-713. The fund shall  
16 be used for the payment of all annuities and other benefits and for  
17 the expenses of administration.

18 (5) The fund shall consist of the total fund as of  
19 December 25, 1969, the contributions of members as provided in this  
20 section, all supplementary court fees as provided in subsection (3)  
21 of this section, and any required contributions of the state.

22 (6) Not later than January 1 of each year, the State  
23 Treasurer shall transfer to the fund the amount certified by the  
24 board as being necessary to pay the cost of any benefits accrued  
25 during the fiscal year ending the previous June 30 in excess of  
26 member contributions for that fiscal year and court fees as  
27 provided in subsection (3) of this section, if any, for that fiscal  
1 year plus any required contributions of the state as provided in  
2 subsection (9) of this section.

3 (7) Benefits under the retirement system to members or to  
4 their beneficiaries shall be paid from the fund.

5 (8) Any member who is making contributions to the fund on  
6 December 25, 1969, may, on or before June 30, 1970, elect to become

7 a future member by delivering written notice of such election to  
8 the board.

9 (9) Not later than January 1 of each year, the State  
10 Treasurer shall transfer to the fund an amount, determined on the  
11 basis of an actuarial valuation as of the previous June 30 and  
12 certified by the board, to fully fund the unfunded accrued  
13 liabilities of the retirement system as of June 30, 1988, by level  
14 payments up to January 1, 2000. Such valuation shall be on the  
15 basis of actuarial assumptions recommended by the actuary, approved  
16 by the board, and kept on file with the board. For the fiscal year  
17 beginning July 1, 2002, and each fiscal year thereafter, the  
18 actuary for the board shall perform an actuarial valuation of the  
19 system using the entry age actuarial cost method. Under this  
20 method, the actuarially required funding rate is equal to the  
21 normal cost rate, plus the contribution rate necessary to amortize  
22 the unfunded actuarial accrued liability on a level payment basis.  
23 The normal cost under this method shall be determined for each  
24 individual member on a level percentage of salary basis. The  
25 normal cost amount is then summed for all members. The initial  
26 unfunded actual accrued liability as of July 1, 2002, if any, shall  
27 be amortized over a twenty-five-year period. During each  
1 subsequent actuarial valuation, changes in the funded actuarial  
2 accrued liability due to changes in benefits, actuarial  
3 assumptions, the asset valuation method, or actuarial gains or  
4 losses shall be measured and amortized over a twenty-five-year  
5 period beginning on the valuation date of such change. If the  
6 unfunded actuarial accrued liability under the entry age actuarial  
7 cost method is zero or less than zero on an actuarial valuation  
8 date, then all prior unfunded actuarial accrued liabilities shall  
9 be considered fully funded and the unfunded actuarial accrued  
10 liability shall be reinitialized and amortized over a  
11 twenty-five-year period as of the actuarial valuation date. If the  
12 actuarially required contribution rate exceeds the rate of all  
13 contributions required pursuant to the Judges Retirement Act, there  
14 shall be a supplemental appropriation sufficient to pay for the  
15 differences between the actuarially required contribution rate and  
16 the rate of all contributions required pursuant to the Judges  
17 Retirement Act.

18 (10) The state or county shall pick up the member  
19 contributions required by this section for all compensation paid on  
20 or after January 1, 1985, and the contributions so picked up shall  
21 be treated as employer contributions in determining federal tax  
22 treatment under the Internal Revenue Code as defined in section  
23 49-801.01, except that the state or county shall continue to  
24 withhold federal income taxes based upon these contributions until  
25 the Internal Revenue Service or the federal courts rule that,  
26 pursuant to section 414(h) of the code, these contributions shall  
27 not be included as gross income of the member until such time as  
1 they are distributed or made available. The state or county shall

2 pay these member contributions from the same source of funds which  
3 is used in paying earnings to the member. The state or county  
4 shall pick up these contributions by a compensation deduction  
5 through a reduction in the compensation of the member. Member  
6 contributions picked up shall be treated for all purposes of the  
7 Judges Retirement Act in the same manner and to the extent as  
8 member contributions made prior to the date picked up.  
9 Sec. 2. Original section 24-703, Revised Statutes  
10 Supplement, 2002, is repealed.  
11 Sec. 3. Since an emergency exists, this act takes effect  
12 when passed and approved according to law."

### **SPEAKER BROMM PRESIDING**

Pending.

### **RESOLUTIONS**

#### **LEGISLATIVE RESOLUTION 142.** Introduced by Jones, 43.

WHEREAS, the Sandhills are the only vegetative sand dunes in the western hemisphere and cover over 19,000 square miles of Nebraska; and

WHEREAS, it is important to acknowledge the people of the Sandhills and their heritage because of the manner in which they have adapted to and persevered over what was once thought of as the Great American Desert; and

WHEREAS, the Sandhills area contains many naturally unique plant and animal communities and is much the same as it was when cattle were first introduced to the region; and

WHEREAS, the communities in the Sandhills can boast of a strong work ethic, a dedication to the land, and an open-hearted hospitality to travelers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the week of July 1 to July 7, 2003, be declared Sandhills Recognition Week.

Laid over.

#### **LEGISLATIVE RESOLUTION 143.** Introduced by Hudkins, 21; McDonald, 41.

PURPOSE: The goal of this interim study is to examine ways to ensure that candidates for the office of county sheriff are qualified to assume office immediately upon election.

Under current law, an individual elected county sheriff in this state is granted an eight-month grace period after taking office in which to obtain the requisite certification by the Nebraska Law Enforcement Training Center. Concerns have been raised that allowing uncertified candidates to begin exercising their official law enforcement duties is detrimental to the

best interests of the communities which they have been elected to serve. Apprehension exists that an uncertified sheriff may lack the knowledge and skills needed to carry out effectively the duties of his or her office. Similarly, it is possible that a sheriff's failure to obtain the mandatory certification during the statutorily specified period would force the county to go to the expense of locating, hiring, and paying for a qualified replacement while continuing to honor the duly elected sheriff's contract, despite his or her incapacity to perform officially.

It is the intent of the Legislature that this interim study will produce a workable proposal for ensuring that all county sheriffs are certified by the Nebraska Law Enforcement Training Center prior to undertaking their official duties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 144.** Introduced by Beutler, 28.

PURPOSE: Despite the progress made this session in the area of need-based aid to students attending postsecondary educational institutions, Nebraska still ranks quite low in the support given to needy students. Legislative Bill 777, Ninety-eighth Legislature, First Session, 2003, was introduced to present a unique approach to identify needy students earlier in their academic careers and to assure them support to attend postsecondary educational institutions. An interim study should be conducted to examine the feasibility of enacting such a measure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 145.** Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to examine the need for mental health advance directives in Nebraska. Mental health advance directives allow the mentally ill to determine treatment options, including preventative care, while they are competent to do so, before they experience a crisis. This

study would review any existing Nebraska law that relates to this issue and laws that exist in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 146.** Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to review current state law regarding the length of the statute of limitations for sexual offenses against children. The study would examine what the current civil and criminal statutes of limitations are for each type of sexual offense against children and how they compare to other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 147.** Introduced by Thompson, 14.

PURPOSE: This study will examine the structure and mission of the Mexican-American Commission and the Commission on Indian Affairs and any unmet needs of minority and immigrant populations in need of similar advocacy assistance. The study shall include, but not be limited to, the following areas:

(1) The efficiency of the commission organizational form;

(2) The scope and responsibilities of the current entities as they relate to populations served;

(3) The need to serve other minority and ethnic groups in Nebraska with similar desires for advocacy services;

(4) Other nongovernmental sources of funding for advocacy for current commissions and other minority, immigrant, and ethnic groups; and

(5) Any other topics deemed necessary to effectively carry out this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:



1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 148.** Introduced by Thompson, 14.

**PURPOSE:** The purpose of this study is to review the application of subdivision (4) of section 43-250. Under this section, when a juvenile is taken into temporary custody by law enforcement pursuant to subdivision (3) of section 43-248, which covers a juvenile who is seriously endangered in his or her surroundings and immediate removal appears to be necessary for the juvenile's protection, law enforcement may place the juvenile with the Department of Health and Human Services for temporary placement.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 149.** Introduced by Preister, 5; McDonald, 41.

**PURPOSE:** The purpose of the study is to review and analyze the effects of the state general permit rules recently adopted by the Department of Environmental Quality for open-area livestock yards and of the proposed federal Environmental Protection Agency general permit rules for all confined area feedlot areas. The review shall include, but need not be limited to:

(1) A determination of what, if any, statutory changes are required due to the adoption of the state general permit rules and of the proposed federal general permit rules;

(2) An examination and review of the impact of the general permit rules on zoning commissions, county boards, and the public to access necessary information to make informed decisions for special conditions or requirements on zoning applications for confined animal feeding operations;

(3) An examination of increased liability for potential clean-up costs for the state and political subdivisions because of lack of disclosure requirements for the applicant; and

(4) An analysis of the costs to the department to review livestock waste control facility permit applications and the application fees, compared to other programs' costs and application fees, whether administered by the department or by another agency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources, Agriculture, and Government, Military and Veterans Affairs Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 150.** Introduced by Preister, 5.

PURPOSE: The purpose of the study is to examine issues related to the high volume of liquor sales from Whiteclay, Nebraska, to the Oglala Sioux Tribe on the dry Pine Ridge Reservation. The study will:

(1) Examine possible funding mechanisms to provide full-time law enforcement in Whiteclay;

(2) Examine possible funding mechanisms to provide alcohol-abuse treatment for Oglala Sioux Tribal members in the region around Whiteclay;

(3) Examine possible legislation, or other solutions to address inadequate law enforcement in Whiteclay;

(4) Examine the continuing occurrence of unsolved deaths in the community of Whiteclay; and

(5) Other issues related to addressing resolution to these problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 151.** Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to study charitable gaming in Nebraska. The study shall include, but not be limited to, examining methods of addressing declining revenues generated by these forms of gaming, new methods of conducting charitable gaming, and any other matters that are determined to be necessary by the committee for the full consideration of this topic.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 152.** Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to study the current system for tracking cemetery locations in the state. The study shall include, but not be limited to, examining the availability of current records regarding cemeteries, contacting the entities that currently maintain these records, and determining the feasibility of requiring a centralized registration location for cemeteries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 153.** Introduced by Mines, 18.

PURPOSE: To determine if there are cost savings and service efficiencies by outsourcing the purchase and maintenance of state-owned computers, network equipment, and computer peripherals. The issues to be examined include:

(1) A study to identify Nebraska's current inventory of computers, network equipment, and peripherals;

(2) To examine the effect of outsourcing computer and computer networking purchasing and maintenance; and

(3) To examine the effect of outsourcing peripheral purchasing and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 154.** Introduced by Baker, 44.

**PURPOSE:** The purpose of this resolution is to identify legal barriers to permanency for children in foster care and recommend legislative changes that could help to remove such barriers. Specifically, the study will include issues regarding court practice and protocols, county attorney practices and protocols, statutory requirements of parents, and Department of Health and Human Services procedures, protocols, and staffing.

Information from the federal Child and Family Services Review conducted in 2002 and the resulting Department of Health and Human Services Program Improvement Plan will be utilized in this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 155.** Introduced by Aguilar, 35.

**PURPOSE:** To study how child abuse and neglect and child sexual abuse reports are being responded to by child protective services at the Department of Health and Human Services and law enforcement. This study may include, but shall not be limited to:

- (1) Whether the child abuse and neglect investigation teams and child abuse and neglect treatment teams, authorized under section 28-728, are functioning according to legislative intent;
- (2) Whether reports of abuse and neglect are appropriately screened and investigated;
- (3) Whether the response to reports of child abuse and neglect is consistent throughout the state and whether the child protective services should have a statewide priority system for intakes;
- (4) What effect a centralized intake system might have on response to calls reporting child abuse and neglect;
- (5) Whether there are adequately defined roles for child protective services and law enforcement and whether there are adequate and proper investigations and timely risk and safety assessments;
- (6) Whether there is an adequate exchange of information between child protective services and law enforcement on past removals, past abuse allegations, other investigations, and pertinent history related to alleged

perpetrators;

(7) Whether all calls or reports coming into law enforcement or child protective services are promptly cross-reported to other agencies;

(8) Whether there are adequate resources for front-line law enforcement to respond to the volume of reports received;

(9) Whether more education is needed by law enforcement and initial assessment workers on techniques for investigation, how to weigh risk, and how to conduct removals and placements;

(10) Whether the Nebraska Law Enforcement Training Center should provide local law enforcement officers with more education on child abuse and neglect investigations and interviewing techniques that are age-appropriate and developmentally appropriate; and

(11) How investigations affect prosecution of child abuse, child neglect, and child sexual abuse cases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services and Judiciary Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 156.** Introduced by Connealy, 16.

PURPOSE: To study options for creating a small business tax credit system. Issues to be studied shall include, but need not be limited to, feasibility of such a program in Nebraska, costs associated with such a program, and similar programs in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 157.** Introduced by Connealy, 16.

PURPOSE: To study options for expanding state-income-tax-based incentives for charitable giving in Nebraska, including tax credits or deductions for taxpayers who do not itemize deductions on their federal returns, credits or deductions for contributions to charitable organizations or their endowments, and voluntary contributions of anticipated tax refunds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 158.** Introduced by Connealy, 16.

PURPOSE: To study the Nebraska Workers' Compensation Act. The study shall examine the possibility of creating a workers' compensation uninsured employer fund to benefit workers who would be entitled to workers' compensation benefits if injured at work.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 159.** Introduced by Jensen, 20.

PURPOSE: To review the policies and procedures necessary in establishing a comprehensive organ donor registry for the State of Nebraska. This study should include all relevant groups, organizations, and companies that share a desire to establish a donor registry, as well as a study of the possible procedures, funding mechanisms, privacy issues, and all other relevant issues to establishing an organ donor registry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 160.** Introduced by Erdman, 47.

**PURPOSE:** To study the overall structure of the medicaid program in order for the state to financially afford the services necessary.

Input shall be solicited from the health and human services system, various private and nonprofit organizations, and insurance providers to examine ways to make the program a portable tool for recipients to transition to self-sufficiency.

The study shall include examining ways to empower individuals to be responsible clients of medicaid, a means to reward responsible decisions made by clients, and exploring partnerships between the state, nonprofit organizations, and insurance providers that will balance the interests of the individual clients with those of the state.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 161.** Introduced by Erdman, 47.

**PURPOSE:** The Legislature recognizes the importance of and economic impact that Interstate 80 has on the State of Nebraska, both to bring goods to the citizens of Nebraska and by providing goods and services to travelers from other states along the interstate. The Legislature further recognizes that the vehicle towing and salvage industry plays an important role in providing services to travelers and providing for the safe operation of vehicles on the interstate.

The purpose of this study is to consider the steps that can be taken to support and develop the vehicle service and towing industry in Nebraska. This study shall include, but not be limited to, reviewing Nebraska laws and the laws of other states relating to abandoned vehicles and salvage of vehicles and gathering information on the number of and procedures for clearing of damaged and abandoned vehicles. Input shall be solicited from the Nebraska State Patrol, academic professionals, the towing industry, the trucking industry, automobile associations, and any other government agencies, groups, or individuals with relevant information.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 162.** Introduced by Erdman, 47.

**PURPOSE:** To examine the effectiveness of the Tax Equalization and Review Commission.

The study shall include, but need not be limited to, the commission's caseload, the number of cases that are appealed and overturned, and the costs and benefits of the commission versus previous property tax appeal methods.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**SELECT FILE**

**LEGISLATIVE BILL 320.** Senator Beutler withdrew his pending amendment, AM1780, found in this day's Journal.

Senators Beutler, Brashear, Chambers, and Stuhr offered the following amendment:

AM1943

(Amendments to AM1720)

- 1 1. Strike sections 1, 2, 4, and 5.
- 2 2. Renumber the remaining sections and amend the
- 3 repealer accordingly.

The Beutler et al. amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 320A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 806.** E & R amendment, AM7123, printed separately and referred to on page 1655, was adopted.

Senator Vrtiska renewed his pending amendment, AM1869, found on page 1765.

The Vrtiska amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.



Advanced to E & R for engrossment.

**LEGISLATIVE BILL 574.** E & R amendment, AM7131, printed separately and referred to on page 1667, was adopted.

Senator Raikes withdrew his pending amendment, AM1775, found on page 1678.

Senator Raikes renewed his pending amendment, AM1816, found on page 1813.

The Raikes amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Raikes offered the following amendment:  
AM1923

(Amendments to E & R amendments, AM7131)

- 1 1. On page 10, line 19, after the period insert "Such  
2 rules and regulations shall be developed in cooperation with  
3 representatives of eligible postsecondary educational institutions  
4 and shall be designed, to the extent consistent with requirements  
5 of the act, to minimize the administrative burden on the eligible  
6 postsecondary educational institutions and the commission."; in  
7 lines 21 and 22 strike "in" through "commission"; in line 24 strike  
8 "basic criteria" and insert "eligibility standards and  
9 requirements"; and in line 26 strike "institutionally" and insert  
10 "state-funded or federally".
- 11 2. On page 11, lines 1 and 2, strike "as required by the  
12 commission".

The Raikes amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 574A.** Advanced to E & R for engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 163.** Introduced by Erdman, 47.

PURPOSE: The Legislature recognizes the importance of accessible air service and airport facilities for general aviation to the economic development throughout the State of Nebraska. The purpose of this study is to consider the steps that can be taken to support and develop general aviation and airport facilities in Nebraska. This study shall include, but not be limited to, gathering information on the level and type of use, governance, financing, and promotion of airport facilities. Input shall be

solicited from the Nebraska Aeronautics Commission, the Department of Aeronautics, academic professionals familiar with aviation and economic development, supporting industry, airport users, and others with information about general aviation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 164.** Introduced by Preister, 5.

PURPOSE: The purpose of the study is to examine alternative funding mechanisms for the superfund site in Omaha, including, but not limited to, assessing a fee on the retail sale of paint. Uses of revenue from the fee could include, but not be limited to: State regulatory programs and oversight, state superfund programs, and testing, treatment, and case management of children with elevated levels of lead in their blood.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources and Health and Human Services Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 165.** Introduced by Preister, 5.

PURPOSE: To assure fiscal responsibility, oversight, and public accountability by monitoring and reviewing the implementation of Legislative Bill 626 (2003), regarding services contracts by agencies and the Department of Administrative Services. The review shall include, but need not be limited to:

- (1) Pre-process;
- (2) Competitive bidding;
- (3) Contract review;
- (4) Exemptions;
- (5) Sole source;
- (6) Emergencies;
- (7) Entry of contract data into the Nebraska Information System; and
- (8) Accessing contractor's records to determine execution and

performance of contract.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study, and shall work with the Program Evaluation Committee on a time available basis, to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **LEGISLATIVE RESOLUTION 166.** Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to study the concept of taxing all media advertising in the state and the concept of taxing advertising products or services that are illegal in Nebraska. The study shall include, but not be limited to, examining methods of taxing different forms of media advertising including television, radio, newspapers, billboards, store signs, window displays, and any other media time. The study shall include estimating revenues generated by these forms of advertising, the legality of taxing advertising of products or services that are illegal in Nebraska, and any other matters determined to be necessary by the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **VISITORS**

Visitors to the Chamber were 20 fifth- and sixth-grade students from Everett Elementary School, Lincoln; 23 fourth-grade students and teachers from Newell Elementary School, Grand Island; 23 fourth-grade students, teacher, and sponsors from Raymond Central School, Ceresco; 55 fourth-grade students and teacher from Parkview Heights School, La Vista; and 44 eighth-grade students and teachers from Our Lady of Lourdes School, Omaha.

### **RECESS**

At 11:42 a.m., on a motion by Senator Brashear, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Redfield and Schimek who were excused; and Senators Cunningham and Landis who were excused until they arrive.

**MOTION - Return LB 540 to Select File**

Senator Raikes moved to return LB 540 to Select File for his specific pending amendment, AM1926, found on page 1821.

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

**SPEAKER BROMM PRESIDING**

The Raikes motion to return prevailed with 25 ayes, 4 nays, 15 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 540.** The Raikes specific pending amendment, AM1926, found on page 1821, was adopted with 27 ayes, 8 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

**NOTICE OF COMMITTEE HEARING****Natural Resources**

Room 1525

Thursday, May 22, 2003  
Mark Hunzeker - Power Review Board

1:00 p.m.

(Signed) Ed Schrock, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 167.** Introduced by Revenue Committee: Landis, 46, Chairperson; Baker, 44; Bourne, 8; Connealy, 16; Hartnett, 45; Janssen, 15; Raikes, 25.

**PURPOSE:** The purpose of this study is to continue and improve work done by the Revenue Committee of the Legislature during past interims to inform the Legislature and other interested parties of Nebraska's tax structure compared with the past and with other states. Carrying out the purposes of this study does not involve conducting public hearings, but should result in updating and maintaining the "Taxes and Spending in Nebraska" website developed last year or in one or more reports to the Legislature detailing Nebraska's tax structure. Examples of information compiled pursuant to this study would include the base and rates of Nebraska's sales, income, property, excise, and miscellaneous taxes in comparison to the past or to other states; spending by the state and local governments compared to that of governments in other states; the effectiveness of tax reform legislation enacted in the past; and financial and tax policy implications of tax reform or restructuring proposals that have been proposed during recent legislative sessions or arise during this interim.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the staff of the Revenue Committee of the Legislature conduct research and coordinate research conducted by other employees of the Legislative Council or other parts of state government to carry out the purposes of this study.

2. That the legislative staff update and maintain the "Taxes and Spending in Nebraska" website developed last year or issue one or more reports pursuant to this study that will assist the Legislature in making decisions in future sessions.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 168.** Introduced by Brashear, 4; Aguilar, 35.

**PURPOSE:** To conduct a comprehensive study and review of statutorily authorizing drug court program structures in Nebraska. Such a review shall identify specific issues to consider in applying one statewide statutory structure for the various drug court programs and propose appropriate statutory language regarding such programs.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 169.** Introduced by Brashear, 4; Johnson, 37.

**PURPOSE:** To review topics relating to the State DNA Data Base. Specifically, issues shall be addressed pertaining to the DNA Detection of Sexual and Violent Offenders Act; the maintenance of records related to forensic casework, convicted offenders required to provide DNA samples, samples relating to missing persons, relatives of missing persons, and unidentified human remains; storage of samples used for quality assurance, training, and research relating to DNA identification; utilization of federal funding for the testing of DNA samples; and the development of processes and procedures for the possible testing of DNA samples by private request made to the Nebraska State Patrol.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 170.** Introduced by Brashear, 4; Erdman, 47.

**PURPOSE:** In recent legislative sessions, numerous bills have been introduced relating to the age of majority in Nebraska. Among the bills relating to this topic, the Legislature has considered legislation which would lower the age of majority from age nineteen to eighteen; lower the age of majority for purposes of contractual capacity of minors; and establish a statutory process by which a minor could petition a court for emancipation.

The purpose of this resolution is to study and determine the appropriate legislative means that should be employed to lower the age of majority in Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 171.** Introduced by Brashear, 4.

**PURPOSE:** To determine whether the changes expected to occur with the anticipated passage and implementation of Legislative Bill 46, Ninety-eighth Legislature, First Session, 2003, warrant further legislative response, specifically regarding appropriate revisions to the statutes that address

probation programming fees, parole programming fees, administrative probation sanctions, sentencing guidelines, the Office of Probation Administration, the Office of Parole Administration, the Community Corrections Council, and community corrections in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 172.** Introduced by Brashear, 4.

PURPOSE: To examine the issue of controlled substances, specifically relating to the use, distribution, and manufacturing of methamphetamine, as well as other problems associated with such criminal activities and to propose policies that further curb drug-related crime and, in particular, methamphetamine-related crime.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 173.** Introduced by Erdman, 47; Preister, 5; Friend, 10.

PURPOSE: The Legislature recognizes the value and economic impact of the recreational use of Nebraska's lakes and rivers. The Legislature further recognizes the importance of providing a safe environment for Nebraska citizens and visitors to the state to enjoy Nebraska's waters.

The purpose of this study is to consider the steps that can be taken to enhance, support, and develop the recreational value of Nebraska's lakes and rivers. This study shall include, but not be limited to, reviewing Nebraska laws and the laws of other states related to boating safety and gathering information on use of Nebraska's waters and the effect of boat safety training. Input shall be solicited from the Nebraska Game and Parks Commission, other federal and state agencies with information related to boating, academic professionals knowledgeable of the issues related to boating, boating and sports associations, the boat and personal watercraft manufacturing and sales industry, and any other government agencies,

groups, or individuals with relevant information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 174.** Introduced by Johnson, 37; Thompson, 14; Bromm, 23; Synowiecki, 7; D. Pederson, 42; Engel, 17; Schrock, 38; McDonald, 41; Cudaback, 36; Beutler, 28; Jensen, 20; Raikes, 25; Erdman, 47; Bourne, 8; Smith, 48; Stuhr, 24; Byars, 30; Kruse, 13; Price, 26; Maxwell, 9; Hartnett, 45; Brashear, 4; Wehrbein, 2.

**PURPOSE:** To review public higher education financing in Nebraska by examining the following questions:

(1) What is the long-term sustainability of our current public higher education system in Nebraska?

(2) How do the missions of our community colleges, state colleges, and university system link and what can be done to improve efficiencies within the Nebraska public higher education system?

(3) How many colleges and university campuses should the state support based on present and future demographics of the state?

(4) How should state public higher education institutions be coordinated and governed?

(5) What proportion of tuition, private support, and tax dollars should be used to finance public higher education in Nebraska?

(6) What should be the focus of legislation in the next decade regarding public higher education?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a task force of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The task force shall consist of: (a) Three members of the Education Committee, appointed by the chairperson of the Education Committee; (b) three members of the Appropriations Committee, appointed by the chairperson of the Appropriations Committee; and (c) three members of the Legislature, appointed by the Executive Board of the Legislative Council. The chairperson of the task force shall be selected by the executive board from among the membership of the task force. The task force shall be staffed by the Education Committee of the Legislature and the office of the Legislative Fiscal Analyst.

2. That the task force shall upon the conclusion of its study make a report of its findings, together with its recommendations, not later than December 15, 2003, to the Legislative Council or Legislature.



NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## **SENATOR CUDABACK PRESIDING**

### **GENERAL FILE**

**LEGISLATIVE BILL 760.** Title read. Considered.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM1586, printed separately and referred to on page 1485, was considered.

Senator Brashear offered the following amendment to the Standing Committee amendment:  
(Amendment, AM1946, is on file and available in the Clerk's Office, Room 2014.)

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Brashear amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment to the Standing Committee amendment:  
AM1953

(Amendments to AM1946)

- 1 1. On page 1, line 3, strike "Operations and".
- 2 2. On page 2, line 17, strike "an operational and" and
- 3 insert "a"; and in line 24 strike "Operations and".

The Beutler amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not

voting, and 4 excused and not voting.

**LEGISLATIVE BILL 760A.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 759.** The Preister pending amendment, AM1831, found on page 1732, was renewed.

Senator Brashear renewed his pending amendment, AM1875, found on page 1811, to the Preister pending amendment.

Senator Brashear withdrew his amendment.

The Preister amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Bromm renewed his pending amendment, AM1783, found on page 1679.

**SENATOR ENGEL PRESIDING**

Senators Cudaback and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Bromm moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on the Bromm amendment.

Voting in the affirmative, 23:

Beutler	Chambers	Johnson	Mossey	Thompson
Bromm	Connealy	Jones	Pedersen, Dw.	Vrtiska
Brown	Foley	Kremer	Preister	Wehrbein
Burling	Hudkins	Kruse	Price	
Byars	Jensen	Louden	Synowiecki	

Voting in the negative, 8:

Baker	Cunningham	Janssen	Schrock
Bourne	Hartnett	Mines	Smith

Present and not voting, 12:

Brashear	Erdman	Pederson, D.	Stuhr
Combs	Friend	Quandahl	Stuthman
Engel	Maxwell	Raikes	Tyson

Excused and not voting, 6:

Aguilar	Landis	Redfield
Cudaback	McDonald	Schimek

The Bromm amendment lost with 23 ayes, 8 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Hartnett asked unanimous consent to withdraw his pending amendment, AM1624, found on page 1535, and replace it with the Hartnett-Janssen substitute pending amendment, AM1836, found on page 1736. No objections. So ordered.

The Hartnett-Janssen amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Smith renewed his pending amendment, AM1770, found on page 1712.

## **SENATOR CUDABACK PRESIDING**

Senator Smith withdrew his amendment.

Senator Chambers asked unanimous consent to withdraw his pending amendment, FA1356, found on page 1715, and replace it with his substitute pending amendment, AM1892, found on page 1818. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Chambers amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Brashear asked unanimous consent to withdraw his pending amendment, AM1819, found on page 1729, and replace it with the Brashear-Landis substitute amendment, AM1939. No objections. So ordered.

AM1939

- 1 1. In AM7114, strike section 15 and all amendments  
2 thereto and insert the following new section:  
3 "Sec. 19. (1) Sales and use taxes shall not be imposed  
4 on the labor of a contractor purchased in connection with:  
5 (a) The first or original construction of a structure;  
6 (b) The addition of an entire room or floor to any  
7 existing building;  
8 (c) The completion of an unfinished portion of an  
9 existing structure;  
10 (d) The restoration, reconstruction, or replacement of a  
11 structure damaged or destroyed by fire, flood, tornado, lightning,  
12 explosion, ice storm, or other natural disaster;  
13 (e) The construction, repair, or annexation of any  
14 structure used for the generation, transmission, or distribution of  
15 electricity; or  
16 (f) The major renovation of an existing building or a  
17 unit of an existing building described in subdivision (2)(e)(ii) of  
18 this section. The exemption granted in this subdivision shall be  
19 conditioned upon notice from the contractor to the Department of  
20 Revenue of the nature of the project and an explanation of why the  
21 renovation will qualify for the exemption.  
22 (2) For purposes of this section:  
23 (a) Building means any freestanding structure annexed to  
24 land, enclosed within a roof and exterior walls, regardless of  
1 whether enclosed on all sides;  
2 (b) Building materials means items that will be annexed  
3 to land or an improvement on land. Building materials do not  
4 include tools, supplies, or items that will not be annexed;  
5 (c) Contractor means any person who repairs property  
6 annexed to or who annexes property to real estate, including leased  
7 property, by attaching such person's own building materials to the  
8 improvement or annexed property being built or repaired. This  
9 includes the installation of fixtures and the repair of a building,  
10 structure, or fixture;  
11 (d) Fixture means a piece of equipment that must be  
12 annexed to the building or structure in order to properly function,  
13 yet remains identifiable as a separate item;  
14 (e) Major renovation of an existing building or a unit of  
15 an existing building means a single renovation project that:  
16 (i) Increases the market value of the building or unit by  
17 at least one hundred percent; or  
18 (ii) Entails the renovation of no less than seventy-five  
19 percent of the square feet of the building or unit;  
20 (f) Renovation means the rehabilitation, replacement, or  
21 reconfiguration of walls or fixtures. Mere replacement of floor  
22 coverings does not constitute renovation for purposes of  
23 subdivision (1)(f) of this section;  
24 (g) Structure means any construction composed of parts

- 25 arranged and fitted together in some way. Structure includes, but  
26 is not limited to, streets and roadways, street lighting, and  
27 sewers and waterlines; and  
1 (h) Unit means a physical portion of a building  
2 designated for separate ownership, rental, or occupancy.  
3 (3) A taxpayer shall be entitled to a refund of any sales  
4 tax paid on construction, annexation, or repair labor for any major  
5 renovation described in subdivision (2)(e)(i) of this section. The  
6 refund granted in this section shall be conditioned upon filing a  
7 claim for the refund on a form developed by the Tax Commissioner.  
8 The requirements imposed by the Tax Commissioner shall be related  
9 to ensuring that the labor purchased qualifies for the refund. Any  
10 information received pursuant to the requirements of this  
11 subsection may be disclosed to any tax official in this state. Any  
12 taxpayer who provides false information on the forms required by  
13 the Tax Commissioner for purposes of this subsection shall be  
14 subject to the penalties provided in subsection (8) of section  
15 77-2705."  
16 2. In AM1745, on page 11, after line 11 insert the  
17 following new subsection:  
18 "(17) The Tax Commissioner shall hold a hearing on rules  
19 and regulations to carry out the changes made to this section by  
20 this legislative bill. It is the intent of the Legislature that  
21 the Tax Commissioner adopt and promulgate rules and regulations to  
22 carry out such changes".  
23 3. In AM1785:  
24 a. On page 5, lines 12 and 21, before "as" insert  
25 "except"; strike beginning with the semicolon in line 15 through  
26 the quotation marks in line 20; and strike beginning with the  
27 semicolon in line 23 through line 27 and insert a period; and  
1 b. On page 6, strike line 1.

Senator Cunningham asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Brashear moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Brashear requested a roll call vote on the Brashear-Landis amendment.

Voting in the affirmative, 30:

Baker	Byars	Hartnett	Kruse	Raikes
Beutler	Combs	Hudkins	Landis	Schrock
Bourne	Connealy	Janssen	Louden	Stuhr
Brashear	Engel	Johnson	Mines	Thompson
Bromm	Foley	Jones	Pederson, D.	Vrtiska
Brown	Friend	Kremer	Price	Wehrbein

Voting in the negative, 9:

Burling	Jensen	Preister	Stuthman	Tyson
Erdman	Mossey	Smith	Synowiecki	

Present and not voting, 6:

Chambers	Maxwell	Pedersen, Dw.
Cudaback	McDonald	Quandahl

Excused and not voting, 4:

Aguilar	Cunningham	Redfield	Schimek
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The Brashear-Landis amendment was adopted with 30 ayes, 9 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 175.** Introduced by Landis, 46.

**PURPOSE:** To determine the extent to which discrimination, based on sexual orientation, exists in employment in Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 176.** Introduced by Landis, 46.

**PURPOSE:** To determine the extent to which discrimination, based on sexual orientation, exists in the rental of an apartment or the sale of a house in Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 177.** Introduced by Vrtiska, 1.

**PURPOSE:** To study the role of the vocational rehabilitation specialists of the Nebraska Workers' Compensation Court in overseeing private vocational rehabilitation counselors providing services under the Nebraska Workers' Compensation Act, and in particular the role of such specialists in evaluating and approving vocational rehabilitation plans.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 178.** Introduced by Connealy, 16; Synowiecki, 7; Combs, 32.

**PURPOSE:** To study the state's laws regarding immigration and employment of noncitizens. The study shall include the practice of Nebraska employers using Form 1099 contract labor and how it effects state revenues, worker safety, and workers' rights. In particular, the study will focus on how workers act as contractors while performing all external elements of being employees. The effects of such employment on the state's workers' compensation, unemployment insurance, and tax systems shall be included, as well as whether this process allows loopholes in the law to be used to escape tax, workers' compensation, and unemployment payments.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this

resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 179.** Introduced by Jensen, 20.

**PURPOSE:** The purpose of this study is to convene a task force, representative of the parties at interest, to examine the proper role and mission of licensed assisted-living facilities in serving Nebraska's elderly.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall convene and chair a task force made up of provider and consumer organizations, as well as other affected parties, which will meet to consider the proper role of licensed assisted-living facilities in the milieu of services and facilities intended to serve older Nebraskans.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 180.** Introduced by Raikes, 25; Wehrbein, 2; Byars, 30; Bromm, 23; Bourne, 8; Dw. Pedersen, 39; Stuhr, 24; Schrock, 38; Maxwell, 9; Jensen, 20; Janssen, 15; Kremer, 34; Hartnett, 45; Jones, 43; Brashear, 4; Baker, 44; Connealy, 16; Beutler, 28; Loudon, 49; McDonald, 41; Synowiecki, 7.

**PURPOSE:** The purpose of this study is to review the organizational structure of elementary and secondary education in Nebraska and to develop a proposal to refine the structure to support an effective and efficient delivery of education to the students of Nebraska now and into the future. The study shall include, but need not be limited to, the following:

(1) Collection of data regarding the current structure;

(2) Collection of data regarding demographic trends in Nebraska, including predicted changes in the concentration of students in various geographic areas;

(3) Analysis of regional and national information regarding organizational structures of elementary and secondary education;

(4) Analysis of how work by the State Board of Education on potential changes to the accreditation rules should affect organizational structures; and



(5) Development of a process to move Nebraska elementary and secondary education toward a structure that will effectively and efficiently support education with the available funds, taking into account predicted demographics and potential accreditation rules.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 181.** Introduced by Baker, 44.

PURPOSE: Currently, the Health and Human Services system, in providing passenger transportation services, must contract with motor carriers that have a certificate as a common carrier or a permit as a contract carrier issued by the Public Service Commission pursuant to section 75-311. These motor carriers have varying rates published with and set by the Public Service Commission pursuant to Chapter 75, articles 1 and 3.

This study shall examine the application of motor carriers' rates to transportation services purchased by the Health and Human Services system, including recent rate increases; include an examination of the rate-setting process, the different rates of each carrier, and any additional charges; identify and explore cost containment measures; and examine the possibility of developing a standardized rate structure for certified carriers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 182.** Introduced by Erdman, 47; Friend, 10; Quandahl, 31; Cunningham, 40.

PURPOSE: To examine the administrative and personnel structure of the Health and Human Services System. This study should include, but not be limited to, a review of the levels of managers and staff of the system and the effectiveness of the communication process of the system both internally and externally.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

**NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 183.** Introduced by Erdman, 47; Foley, 29; Quandahl, 31.

**PURPOSE:** The purpose of this study is to provide information on patterns of spending by government agencies and to determine if government agencies adjust spending and make purchases to assure that budget authority is completely used up at the end of the fiscal year to avoid the risk of reduction of future appropriations. This study shall include, but not be limited to, gathering information on historical spending patterns of Nebraska government agencies and spending control measures implemented in Nebraska and other states. Input shall be solicited from the Governor, the State Budget Office, the State Auditor, the Legislative Fiscal Analyst's Office, state government agencies, academic professionals knowledgeable of the issue, and any other agencies, groups, or individuals with relevant information.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 184.** Introduced by Erdman, 47; Synowiecki, 7.

**PURPOSE:** The Nebraska constitution provides that the Legislature shall provide for free instruction for all persons between the ages of five and twenty-one years and the Nebraska Supreme Court has ruled that statutes related to education should be liberally and broadly construed to provide for free instruction. The Legislature recognizes this obligation and further recognizes that cocurricular and extracurricular activities play an important role in the education of our youth.

The purpose of this study is to consider the steps that can be taken to meet the state's obligation, especially with respect to cocurricular and

extracurricular activities, to the five thousand exempt students in Nebraska through the public school system. This study shall include, but not be limited to, reviewing Nebraska laws and the laws of other states related to cocurricular and extracurricular opportunities of exempt students, as well as the rules of school organizations applicable to student participation in cocurricular and extracurricular activities. In addition, information shall be gathered on the number of students and types of programs that could be made available to exempt students if LB 534 (2003) is adopted. Input shall be solicited from the State Department of Education, the Nebraska School Activities Association, education professionals, parents of and groups representing parents of exempt students, and any other government agencies, groups, or individuals with relevant information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **LEGISLATIVE RESOLUTION 185.** Introduced by Bourne, 8.

PURPOSE: The purpose of this study is to determine the extent of the problem of domestic violence in the State of Nebraska and the potential need to adopt a set of statutes specifically drafted to address this issue. Additionally, the study will examine the statutes of other states having laws that define crimes of domestic violence and prescribe enhanced penalties and procedural requirements for such cases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **LEGISLATIVE RESOLUTION 186.** Introduced by Beutler, 28.

PURPOSE: Nationwide, obesity among young people has more than doubled in the last thirty years. The purpose of this study is to examine the causes and effects of obesity on young people in Nebraska and to recommend policy options the State of Nebraska could employ to combat this disturbing trend.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

## NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**SELECT COMMITTEE REPORTS****Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 402, 404, 405, and 406.

(Signed) Ray Mossey, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 759.** Senator Hartnett withdrew the Hartnett-Chambers pending amendment, AM1625, found on page 1535.

Senator Stuhr renewed her pending amendment, AM1832, found on page 1736.

Senator Stuhr withdrew her amendment.

Senator Beutler withdrew his pending amendment, AM1762, found on page 1738.

Senator Kruse offered the following amendment:  
AM1945

(Amendments to E & R amendments, AM7114)

- 1 1. On page 1, line 7, strike "twenty-nine" and insert
- 2 "thirty-five"; in line 8 strike "ninety-five" and insert "one
- 3 dollar and fifteen"; and in line 15 strike "three dollars and
- 4 seventy-five" and insert "four dollars and sixty-two".

Senator Kruse withdrew his amendment.

Senator Beutler withdrew his pending amendment, AM1598, found on page 1506.

Senator Brashear moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Senator Mossey requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Baker	Byars	Hartnett	Landis	Raikes
Beutler	Chambers	Hudkins	McDonald	Schrock
Bourne	Combs	Janssen	Mines	Stuhr
Brashear	Connealy	Johnson	Pedersen, Dw.	Thompson
Bromm	Cudaback	Kremer	Pederson, D.	Vrtiska
Brown	Engel	Kruse	Price	Wehrbein

Voting in the negative, 15:

Burling	Friend	Louden	Preister	Stuthman
Erdman	Jensen	Maxwell	Quandahl	Synowiecki
Foley	Jones	Mossey	Smith	Tyson

Excused and not voting, 4:

Aguilar	Cunningham	Redfield	Schimek
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Advanced to E & R for engrossment with 30 ayes, 15 nays, and 4 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 759A.** Advanced to E & R for engrossment.

Senator Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 283.** Senator Chambers withdrew his pending amendments, FA1352 and FA1353, found on page 1644.

Senator Landis reoffered his amendment, AM1713, found on page 1611 and considered on page 1632.

Senator Beutler offered the following motion:  
Bracket to January 1, 2004.

The Beutler motion to bracket failed with 4 ayes, 17 nays, 23 present and not voting, and 5 excused and not voting.

Senator Wehrbein asked unanimous consent to be excused. No objections. So ordered.

The Landis pending amendment, AM1713, was renewed.

The Landis amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Chambers renewed his pending amendment, AM1891, found on page 1818.

The Chambers amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Pending.

## **SELECT COMMITTEE REPORTS**

### **Enrollment and Review**

#### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 320, 320A, 403, 403A, 407, 408, 410, 411, 412, 414, 415, 424, 440, 622, 685, 796, 798, 799, 804, and 806.

ER9068

#### **Enrollment and Review Change to LB 320**

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7135, amendment 2 has been struck.

ER9061

#### **Enrollment and Review Change to LB 403**

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7124, on page 1, line 13, "the" has been inserted after "for".
2. In the Standing Committee amendments, AM1307:
  - a. On page 4, line 24, "fund" has been struck and "Joint Operations Center Capital Construction Fund" inserted; and
  - b. On page 7, lines 19 and 20, "deposited with" has been struck, shown as stricken, and "remitted to" inserted; and in line 20 "and credited" has been struck, shown as stricken, and "for credit" inserted.

ER9060

#### **Enrollment and Review Change to LB 407**

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1111:

a. On page 17, lines 18 through 22 and all amendments thereto have been struck and the following lines inserted:

"GENERAL FUND	804,589,943	794,260,556
CASH FUND	1,809,917	1,049,164
FEDERAL FUND est.	206,194,723	207,366,590
REVOLVING FUND	542,878	553,527
PROGRAM TOTAL	1,013,137,461	1,003,229,837"

b. On page 17, line 25, "\$804,280,716" and all amendments thereto have been struck and "\$795,727,954" inserted;

c. On page 18, line 1, "\$793,749,767" and all amendments thereto have been struck and "\$785,183,185" inserted; in line 5 "\$634,468,344" and all amendments thereto have been struck and "\$625,915,582" inserted; and in line 10 "\$616,263,742" and all amendments thereto have been struck and "\$607,697,160" inserted;

d. On page 54, line 12 and all amendments thereto have been struck and "PROGRAM TOTAL 1,174,600,930 1,302,341,897" inserted; and

e. Sections 8, 9, 10, 11, 12, 13, 14, and 15 have been renumbered as sections 9, 10, 11, 12, 13, 14, 15, and 8, respectively.

2. On page 1, line 4, "to provide for a task force;" has been inserted after the last semicolon.

ER9062

#### Enrollment and Review Change to LB 408

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7125, on page 17, line 19, "39-2215," has been struck.

ER9063

#### Enrollment and Review Change to LB 410

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "the Deferred Building Renewal Act" has been struck and "state buildings" inserted and "section 81-1114, Reissue Revised Statutes of Nebraska, and" has been inserted after "amend"; and in line 4 "under the Deferred Building Renewal Act; to change duties of the building division" has been inserted after "provisions".

ER9065

#### Enrollment and Review Change to LB 412

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Jensen-Byars amendment, AM1890, on page 12, line 1, "71-7611," has been inserted before "and".

2. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "public health and welfare; to amend sections 71-1628.07,

71-1628.08, 71-5714, 71-7606, 71-7607, 71-7608, 71-7609, 71-7611, and 71-7614, Revised Statutes Supplement, 2002; to change and eliminate provisions relating to local public health departments and health care funding; to change and eliminate powers and duties; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 71-1628.02, 71-1628.03, and 71-7611.01 to 71-7611.08, Revised Statutes Supplement, 2002; and to declare an emergency." inserted.

ER9066

Enrollment and Review Change to LB 440

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7132, on page 1, line 2, "section 77-27,137.01, Reissue Revised Statutes of Nebraska, and" has been inserted before "sections"; in line 5 "and" has been struck and "to change state aid provisions for municipalities; to harmonize provisions; to provide an operative date;" inserted; and in line 6 "; and to declare an emergency" has been inserted after "sections".

2. In the Thompson amendment, AM1733, on page 4, line 27; and page 5, line 7, "this subsection" has been struck, shown as stricken, and "subsection (2) of this section" inserted.

ER9067

Enrollment and Review Change to LB 685

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7133, on page 19, line 5, an underscored comma has been inserted after "superintendent".

ER9064

Enrollment and Review Change to LB 798

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7128, on page 1, line 2, "to authorize receipt of federal funds;" has been inserted after the semicolon.

(Signed) Ray Mossey, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 283.** Senator Beutler offered the following motion: Indefinitely postpone.

Senator Beutler withdrew his motion.



Advanced to E & R for review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 754:  
AM1964

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Section 81-3606, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 81-3606. There is hereby created the Rural Development
- 5 Cash Fund which shall be used by the Rural Development Commission
- 6 for the purposes of sections 81-3601 to 81-3605. Money credited to
- 7 the fund shall include any monetary gifts, grants, and donations,
- 8 proceeds from contracts for services, and reimbursements of
- 9 expenses and at least seventy-five percent of any grant funds
- 10 received by the state, up to three hundred thousand dollars, from
- 11 the United States Department of Agriculture. Any money in the fund
- 12 available for investment shall be invested by the state investment
- 13 officer pursuant to the Nebraska Capital Expansion Act and the
- 14 Nebraska State Funds Investment Act.
- 15 Sec. 6. Since an emergency exists, this act takes effect
- 16 when passed and approved according to law."
- 17 2. Renumber the remaining section and correct the
- 18 repealer accordingly.

Senators Bromm, Burling, Chambers, Kremer, and McDonald filed the following amendment to LB 754:  
AM1969

(Amendments to AM1577)

- 1 1. On page 1, lines 3, 8, 14, 16, 21, and 23, strike
- 2 "final"; and in line 23 after the underscored period insert "For
- 3 purposes of this section, substantial change shall include any
- 4 significant alteration in the original application including a
- 5 significant change in the design or location of buildings or
- 6 facilities, in waste disposal methods or facilities, or in
- 7 capacity."

### RESOLUTION

**LEGISLATIVE RESOLUTION 187.** Introduced by Quandahl, 31.

PURPOSE: There exist Nebraska health provider networks that are owned by certain health providers. These networks are not insurers in that they do not accept final responsibility for payment of claims. They do maintain a list of eligible providers which can be accessed by insurers and self-insurers and allow provider discounts to those responsible for payment. They are a part of the claims process and determine which providers will be eligible to provide services through the network.

The purpose of this study is to examine to what extent such networks are regulated and whether the Department of Insurance should be authorized to regulate such networks to the same extent as insurers. Specific attention should be given to the practices of such networks with respect to prompt payment of claims and determination of which providers may become eligible to provide service through the networks.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **VISITORS**

Visitors to the Chamber were 127 fourth-grade students and teachers from Norris Elementary School, Firth; 44 students, teachers, and sponsors from Ravenna; Evgenia Nemkina and Maxin Shevelev from Russia and Oleksandr Kalugin and Ihor Ivasyuk from Ukraine; 53 third- through sixth-grade students and teachers from Adams County School, District 15; and 29 fourth-grade students and teachers from Randolph.

### **ADJOURNMENT**

At 7:13 p.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Friday, May 16, 2003.

Patrick J. O'Donnell  
Clerk of the Legislature